Transcript of Proceedings
City v. Francis 4250003477
7/9/2025

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CAO Jason Gelfand: [00:00:02] Are we on the record?

Judge Damon Shadid: [00:00:03] We are on the record. Thank you.

CAO Jason Gelfand: [00:00:05] Okay, great. Good afternoon, Jason Gelfand for the city of Seattle. This is the Francis, Mary case number 4250003477.

Atty Paul Cullen: [00:00:14] Good afternoon. Paul Cullen here present with Mary Elizabeth Francis.

CAO Jason Gelfand: [00:00:19] All right. And let's.

Judge Damon Shadid: [00:00:22] Go ahead and proceed to arraignment.

CAO Jason Gelfand: [00:00:24] Defense are you stipulating to name and date of birth?

Atty Paul Cullen: [00:00:26] Yes.

CAO Jason Gelfand: [00:00:27] [redacted] You're being charged to the crime of driving under the influence alleged to have occurred on or about March 20th. Correction, March 12th, 2025 in the city of Seattle, King County, Washington. Your attorney should have received electronic copy of the complaint counselor asked you to perform reading and entered a plea.

Atty Paul Cullen: [00:00:46] Acknowledged, waived, and ask the court to enter not guilty plea.

Judge Damon Shadid: [00:00:55] Plea of not guilty is entered. Do you wish to make an argument on probable cause?

Atty Paul Cullen: [00:00:59] No, Your honor.

Judge Damon Shadid: [00:00:59] Probable cause established after a review of the police report on file. City's position on release and conditions, please.

CAO Jason Gelfand: [00:01:06] The city is okay with a PR, scram. Standard DUI conditions, including abstain a basis for the scram request is a 0.28 BAC dangerous driving and alcohol container and vehicle. Nothing further.

Judge Damon Shadid: [00:01:16] Okay, let me hear from the defense, please.

Atty Paul Cullen: [00:01:19] Thank you. [redacted] years old your honor, it's the first offense of any kind. We actually anticipatorily already filed a notice of non-driving. She has given up her car, doesn't have an opportunity to drive. So we saw that this morning. We ask the court to consider an interlock requirement rather than scram through the cost. Okay. Oh, and, your Honor, I neglected. I neglected to mention that miss Frances has already been evaluated for and has been determined to be appropriate for a deferred prosecution, which is the route that we appear to be taking at this point.

Judge Damon Shadid: [00:02:03] Okay. I understand. I appreciate that information. All right. So, ma'am, I'm going to release you today on your promise to appear. While you're out, the conditions are no criminal law violations, no alcohol or drug related offenses. Do not use alcohol, marijuana or non prescribed drugs. But if you do use be honest, seek treatment and do not go anywhere near a car. If you follow my three rules of abstinence, you should be okay in my courtroom. Do not operate a motor vehicle without license and insurance. Don't refuse a blood or breath test of lawfully requested by a law enforcement officer. Do not drive a motor vehicle without an ignition interlock device installed. A declaration non driving signed today. Do not drive or even attempt to drive a motor vehicle after consuming any amount of alcohol or intoxicating drug. Come to your court dates. Keep your paperwork. Let us know if you change address or phone number. We are ready for a court date.

Court Clerk: [00:03:30] We can schedule that for August 6th at 845 in court room 903.

Judge Damon Shadid: [00:03:36] August 6th at 845 in courtroom 903 puts our 90 day expiration date at October 6th. Thank you. Counsel. Ma'am, you can disconnect now.

CAO Jason Gelfand: [00:03:45] The City's filed an affidavit of prejudice via Adobe sign on this one.

Judge Damon Shadid: [00:03:48] Okay.

Atty Paul Cullen: [00:03:50] So acknowledged. Thank you. Counselor.

Judge Damon Shadid: [00:03:52] One moment. So I'm only going to do this one time. The statement will be incorporated by reference on the rest of the cases. The statement of the court is as follows. On the Affidavit of Prejudice on February 27th, 2024, then City Attorney Criminal Chief Natalie Walton Anderson sent a memo to the court and to the press listing allegations against Judge Pooja Vaddadi, claiming her rulings prevent the city from receiving fair hearings and trials. The memo goes on to list specific cases that the city attorney alleges proved their point. The memo resulted in the city attorney filing blanket affidavits of disqualification against judge Vaddadi, the current Seattle city attorney criminal chief has continued the policy of filing affidavits of disqualification against Judge Vaddadi. In February 2025, the city attorney agreed to stop filing AODs in all cases except for the DUI and DV cases. Eight months after the city attorney sent the original memo, the Cao released the actual case numbers that the memo referred to. Even a cursory reading of the memos allegation show that the allegations are not supported by the facts on the record. In May 2025, judge Vaddadi filed a complaint against the Seattle City Attorney, showing that the allegations in the memo do not match the facts in the record. Despite this showing, the Seattle City Attorney has continued its policy of filing AODs against judge Vaddadi on all DUI and DV cases. Therefore, the court takes judicial notice of the bar complaint and cautions any city attorney filing an AOD against Judge Vaddadi based upon the February 2024 memo could be subject to the same bar complaint currently pending against the Seattle City attorney and Natalie Walton Anderson. The court makes this record as a duly elected judge and not as a spokesperson for the court. That is the only time I will make that

statement. It is now part of the record and it will be incorporated by reference. On further cases.

CAO Fred Wist: [00:05:40] I wish to be heard.

Judge Damon Shadid: [00:05:41] Yes, you may be heard. Go ahead. So could you just make your appearance for the record before you heard here?

CAO Fred Wist: [00:05:49] For the record, Fred Wist, on behalf of the City of Seattle criminal Division. I'm the criminal division chief who you referenced in your brief comments. A few points of clarification. Clearly that the City Attorney's office is exercising its right provided to any party to file an affidavit of prejudice pursuant to criminal rule of limited jurisdiction 9.1 B that says the judge shall enter an order disqualification under the provisions of this rule. If before the judge makes a discretionary ruling and before the trial is commenced, a party files an affidavit alleging that the party cannot have a fair and impartial trial by reason of interest or prejudice of the judge, or for other ground provided by law. My comments this afternoon are in follow up to not only your record this afternoon, but on July the 2nd. You made similar records that are clearly in writing that you read from in State or City versus Wilson for 4250003763. City of Doyle 4250003779. City versus Van Valkenburg 4250003755. City of Parker 4250003752. City of Hughes 4250003752. City versus Pierre 4250003368. The court, obviously having been on this bench for some time, recognizes that this right that the city exercises is the right that any party has. And your experience I think you would not dispute the fact that there have been occasions where the office of the Public Defense has, in fact, filed blanket affidavits against judicial officers in this court, perhaps Judge Eisenberg. And I'm happy to supplant the record with any instances where I find that to be, in fact, the case. You appear by your comments to be cautioning any city attorney that in fact, by doing the act that we are permitted and rightfully do, by signing under the name of the elected city attorney that individual prosecutors, by signing that document, are subjecting themselves to a bar complaint. And I asked the court is the very signing of a pleading by an assistant city attorney or an assistant city prosecutor, is that in your mind, sufficient basis upon which you would consider filing a bar complaint against one of our attorneys?

Judge Damon Shadid: [00:08:31] I'll let you finish your statements. Then I'll answer your question.

CAO Fred Wist: [00:08:34] I have several questions, so if you wish to answer them all at once, or one by one, I'll continue.

Judge Damon Shadid: [00:08:41] Oh, well, okay, let's do them one at a time then. So to clarify any attorney has the right to file a affidavit of disqualification. That is true. No doubt about it. And I think if you listen to my statement closely, you would see that I do not dispute that. Number two, the Department of Public Defense has never filed blanket affidavits against any judge. They have filed a lot of affidavits against certain judges, but there was never a blanket affidavit. Number three, the blanket affidavit policy the city attorney's office in this case completely blows out of the water any other blanket affidavit policy of any other attorney in the history of the state of Washington? Thousands of complaints have been filed in this case. Number four the any attorney who wants their name on a pleading is taking responsibility for that pleading. I think I'm on number five, but I'll go with number five. The statement clearly reads that if the attorneys are filing the affidavits of prejudice based upon the February 2024 memo written by Natalie Walton Anderson, that memo and those affidavits of disqualification that were ordered pursuant to that memo are now the subject of a bar complaint. That is a fact. That means that if an attorney is filing an affidavit of disqualification based upon that bar, based upon that memo from Natalie Walton Anderson. Sure. I absolutely believe that opens up a city attorney to the same bar complaint that has been filed against Natalie Walton Anderson and Ann Davison. That is simply a statement. I am not advocating that a bar complaint be filed, and I am not threatening myself to file a bar complaint. In fact, in all of the cases that you so meticulously laid out. I signed the affidavit of disqualification as I am required to do by the law. I don't need to be informed of what the law is. Mr. Wist, I know what it is, believe it or not, but I support your ability to make that record. Go on with your next question.

CAO Fred Wist: [00:11:08] Sure. Thank you, Your Honor. You are aware that on January 8th of 2025, the city attorney's office had a policy regarding two affidavits of prejudice that has been made public, was made aware to the court. It seems by your comments that you're inferring that any affidavit filed after the filing of that memo automatically refers back to the memorandum from Miss Natalie Walton Anderson. I

know again, I'm not here to educate the court on the law, but just however, you will acknowledge, I believe that the city or any party does not need to provide any reason whatsoever for the filing of an affidavit and to presume, as it seems that we are making decisions based on a prior memo seems to be that distinctly presumptuous.

Judge Damon Shadid: [00:12:00] Okay, so let me answer that as well. Most attorneys don't give reasons for filing affidavits of disqualification because they don't have to. Your office did. Your office specifically stated this is the reason we're filing blanket affidavits of disqualification. These are the facts we're laying out for it. Had Natalie Walton Anderson not done that, there would not be a problem here. She did do that. At no time has the city Attorney's office stated that they are filing blanket affidavits of disqualification. Again, thousands of them based upon anything else. So I'm taking your predecessor at her word that she instituted this policy based upon a memo that is now part of a bar complaint. Of false statements allegedly made against judge Pooja Vaddadi contrary to the ethics code. So if you would like to now give me another reason that you are filing it, or if you would like to now state under oath as an officer of the court, that these affidavits of prejudice have nothing to do with that memo. Go ahead. I invite you to do so. If you choose instead to maintain that, you don't have to give any reason. Fine. I will continue to reference the memo that specifically states the reason for the affidavits of disqualification are because of these allegations. Go on.

CAO Fred Wist: [00:13:42] So I'd ask the court, if you're willing to complete the record with regards to what specific cases, documents, Records, transcripts, oral proceedings, et cetera, that you reviewed in order to reach your comments regarding the findings that you put on the record in the cases thus far.

Judge Damon Shadid: [00:14:01] I have reviewed the bar complaint. I have reviewed Natalie Walton Anderson's statements. I have reviewed Judge Vaddadi's public statements to the press.

CAO Fred Wist: [00:14:14] You have not looked at any. I take it from that note. Specific cases. Oral transcript. Oh, no. I think about any.

Judge Damon Shadid: [00:14:20] All of those are incorporated in the bar complaint. Every single one of them. All of the cases that the city Attorney's office refused to

release for eight months while this memo hung out there in the public when the city attorney's office refused to actually give the case numbers, including you, on two separate occasions, when I sent you emails specifically asking for them Mr. Wist and you refused to do so.

CAO Fred Wist: [00:14:44] As is my right your honor.

Judge Damon Shadid: [00:14:45] No, I would not go that far.

CAO Fred Wist: [00:14:48] Are you indicating that that was a court order?

Judge Damon Shadid: [00:14:51] I am indicating that you yourself refused to back up the spurious allegations in the February 2024 memo, when I asked you a simple question, what are the cases that this memo references? And you refused to give those to me. Now, if you knew that the facts behind that memo were false, and if you then refuse to give to the public after multiple multiple public disclosure requests, if you knew that and continue the policy, it is not your right to continue a policy of misinformation about a judge without backing it up while continuing that policy. That is not your right. You want to appeal that, go right ahead. But that is not your right.

CAO Fred Wist: [00:15:45] Again, I will indicate for the record that the court is very well aware of the day I started as the criminal chief here, and I'm not going to comment on policies or practices that were put in by a predecessor.

Judge Damon Shadid: [00:15:56] You will recall that on your first week here, I had a meeting with you, and the first thing I brought up was that memo and for you to look into it, and that you refused to correspond with me afterwards. Go on.

CAO Fred Wist: [00:16:13] So the court is obviously fully aware that the judge Vaddadi does, in fact, have a criminal caseload. In fact, you are aware that two weeks ago she presided over a criminal trial. And I see you're nodding your head. Yes. And I presume you acknowledge by that that you do not consider the activity of the city attorney's office to choose particular cases to file affidavits. You do not consider this a blanket affidavit at the moment do you?

Judge Damon Shadid: [00:16:39] Oh, no, not at all. And I would actually say it's progress that we are now, moving forward with other cases because the memo itself was heavily reliant on DUI and DV examples. And so the fact that we're still doing a blanket affidavit policy regarding DUI and DVS is very concerning to me, but it is the city attorney's right to file those as long as they're not being filed on false information, that would be in violation of the code of ethics. But yes, she she is now has a criminal caseload.

CAO Fred Wist: [00:17:17] And you are aware that there was a civil suit filed on this topic about the city's ability to exercise the right to file affidavits that was brought before the King County Superior Court, the ruling of the King County Superior Court, that there was the state the city was not in violation of any policy regarding that. However, that that matter is now been appealed before the Court of Appeals. Correct?

Judge Damon Shadid: [00:17:43] I would acknowledge that there is a big difference between something being legal and something being ethical.

CAO Fred Wist: [00:17:52] And I take it by that comment that you're inferring that I, as the Criminal division chief now, am acting unethically.

Judge Damon Shadid: [00:18:04] I am stating that if you're sorry, go ahead.

CAO Fred Wist: [00:18:07] If I've been advising with different members of my office if they should proceed with an affidavit that because it could be referred back to a memo prior to my hire, that I am therefore endorsing it, and am I and I am relying exclusively on past Antifactual documentation.

Judge Damon Shadid: [00:18:26] What I am saying is, if you are relying on the February 2024 memo as your reason for continuing a policy of blanket affidavits against judge Vaddadi on DV and DUI cases, that right there if it is shown to be unethical. What could be imputed to any attorney in your office using that memo. I will also mention this. To my knowledge, the City Attorney's office has not once reached out to negotiate with Judge Vaddadi regarding what's going on here. The City Attorney's office has never stated a path to resolve these issues. The City Attorney's office has decided to go with this alone. So that is your decision. That is your decision to make. But by doing that,

and by continuing to let this memo out into the public without any correction, when the city Attorney's office itself has the same case numbers and can compare the same facts to the allegations in the memo. That could be ethically problematic. And so I think it is important for your employees to know that. Go on.

CAO Fred Wist: [00:19:56] And you felt it important to individually name them if their name was on the filing itself.

Judge Damon Shadid: [00:20:02] You bet.

CAO Fred Wist: [00:20:04] You brought up the issue of ethics and clearly the judicial canons you're very familiar with. Given your time on the bench. Rule 2.15 specifically talks about responding to judicial and lawyer misconduct under subsection four. It says that a judge who receives credible information indicating a substantial likelihood that a lawyer has committed a violation of the rules of professional conduct should take appropriate action. And in fact, says, as it relies to as it applies to individual attorneys, while you're not obligated to report every violation of the code of or the Rules of Professional conduct, the failure to report may undermine the public confidence in legal profession and the judiciary. In fact, it goes on to say a report should be made when a judge or lawyer's conduct raises a serious question as to the honesty, trustworthiness or fitness as a judge or lawyer. So I'm curious as to given your statements, what steps are you taking to determine whether or not you should report me to the bar?

Judge Damon Shadid: [00:21:20] I am taking the initial steps right now by putting every attorney in your office on notice that if the reason for filing these affidavits of prejudice are based upon a memo that is currently the subject of a bar complaint, they could be exposing themselves to the same liability. Now, there is a possibility that this complaint will be found to have no merit. Absolutely. And then my statements are irrelevant, because if the bar association finds that the complaint has no merit, I'm not going to question that. But until there's a ruling on that ethics decision, I think that as a teaching court and Seattle Municipal Court is very much a teaching court, it is important that the court makes record on this, because if it is found to have merit, I maintain that it could open up any attorney filing based upon these memos to that. But let me be very clear about something. I have not asked any of your attorneys whether or not they are basing their decision, either on an order from you or from that memo. That would be

inappropriate of me to do. Absolutely. So I don't have information. I am completely without information that the attorneys are basing these decisions on that memo. So I have no ability at this point even if I wanted to, which I don't. To file complaints against your attorneys. I am executing each and every affidavit of disqualification that you have put before me, as is my responsibility under the law. Every single one. I haven't denied a single one.

CAO Fred Wist: [00:23:24] Shall. Shall is a pretty clear one.

Judge Damon Shadid: [00:23:25] Shall is about as clear as you can get.

Atty Paul Cullen: [00:23:27] I'm not sure there's anything.

CAO Fred Wist: [00:23:29] Nope. So also rule 2.4, under the judicial canons, talks about the external influences on judicial conduct and specifically says that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. In light of canon one, which says that the judge should uphold and promote the independence, integrity and impartiality of the judiciary and shall avoid impropriety in the appearance of impropriety. I'm just curious as to the need to when you have the rule that says that you shall sign the affidavit when presented, why the court feels it necessary to complete this record on behalf of another judicial officer.

Judge Damon Shadid: [00:24:24] Are you? Well, I'm being asked to sign the affidavits of disqualification, not her. And so that's my record that I have to make. What she does is up to her. It has nothing ... One has nothing to do with the other. Your attorneys Chinese have asked me to execute affidavits of disqualification. So my record in my court is my right to make, since we're talking about rights here. Now, if you're saying I'm acting in a way that questions my impartiality, please let me know or file a complaint with the CJC. I completely understand why you would feel that way. I disagree, but if that's where we need to go with this, that's fine. I don't hear you saying how this is showing impropriety, but if you have something. Sure, you can either let me know. Now you can ask for a private meeting. I'd be happy to meet with you. Or you can let the CJC know and I'll deal with them. Or you can file an appeal.

CAO Fred Wist: [00:25:28] Well, and just so that we complete it, I mean, the test for that appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated the judicial code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge. So I do not, in my career, the only thing a lawyer has in you, at the end of the day, albeit a judge or another attorney. All we have is our reputation. You can spend an entire lifetime building it, and you can destroy it in a matter of seconds. And so you can understand why there is concern by me about some of your comments that may, in fact threaten individuals' livelihoods, the jobs that they are asked to do and the jobs that they sign under the name of the city attorney acting on a current state her behalf. So I would I do not take the concept of just filing a judicial conduct complaint lightly. In 32 years, I've never done it. In fact, I've never filed a bar complaint against another attorney. In those 32 years. So I take it with the utmost sacrosanct that if someone is going to do that, they sure as better have the goods to back it up, because simply stating it openly in open court, publicly can do damage to an individual's reputation.

Judge Damon Shadid: [00:27:07] I agree. And I would put attorneys accusing judges of misconduct and subjecting a young female judge of color to such scrutiny, based upon a memo of which the allegations do not appear to match the record as equally as concerning. So I will take your advice, and I hope you will take mine.

CAO Fred Wist: [00:27:39] And for purposes of this afternoon's record, if this discussion applies to any further of these cases, I would incorporate my record in. If the court would like me to obtain a certified copy of the oral record and append it to each of the cases. I'm happy to do that. I'll leave it to the court in your lower bench to give me some direction on how you wish that to proceed.

Judge Damon Shadid: [00:28:05] I will incorporate by reference our entire conversation today. I think that's absolutely fair and I think it is necessary. You do not agree with what I'm doing, and you should be able to say that in open court on every case.

CAO Fred Wist: [00:28:23] I appreciate it. That's, that's that is our system. So I with that, I will leave you to the remainder of your calendar.

CAO Jason Gelfand: [00:28:29] Thank you, Mr. Wist.

Judge Damon Shadid: [00:28:30] All right. Moving on. Next case.

CAO Jason Gelfand: [00:28:35] Next up is the Nelson.

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